

United States District Court
District of Massachusetts
Western Division

FILED
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2005 JUL 22 P 2:30
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRIF Company

Plaintiff

V.

International Housewares, Inc., Chris
Morris d/b/a International Housewares,
Inc., Frank Stoegarar d/b/a Worldwide
Marketing, Zia Biao Xu and Zhi Xiong Xu
d/b/a World Link, LLC

Defendants

C.A. No. -04-30194-MAP


Affidavit of Harris K. Weiner, Esq.

I, Harris K. Weiner, Esq., upon oath to swear and depose as follows:

1. I am a member in good standing of the state and federal bars of Massachusetts and Rhode Island.
2. I serve as trial counsel to TRIF Company in connection with the above-referenced action.
3. I worked with intellectual property counsel, Robert Salter, Esq. of Salter and Michaelson, 321 South Main Street, Providence, Rhode Island on this matter. Mr. Salter's time records are attached hereto.
4. After extended discussions with TRIF Company agents, I prepared a Verified Complaint, supporting affidavit and exhibits, Motion for Temporary Restraining order and summonses and initiated the above-referenced action.

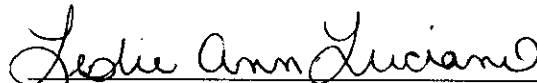
5. The Court on September 30, 2004 issued a Temporary Restraining Order finding it likely that the Defendants infringed on the trade dress of the Plaintiff's proprietary pillow packaging.
6. I conducted extensive settlement negotiations with Defendant International Housewares, Inc. which resulted in a settlement agreement that was breached before a dismissal stipulation was filed.
7. I conducted extensive settlement negotiations with Worldwide Marketing resulting in their voluntary dismissal from this action.
8. I expended additional time on this matter concerning service of process, particularly on the World Link Defendants who were served on the third attempt.
9. Additionally, I drafted default papers, amended the complaint, corresponded with the Court and the Defendants, and maintained regular contact with the client.
10. Attached is my accurate billing record for the matter showing total hours of 40.2 at a rate of \$225 per hour for a total of \$9,322.50 and a discount to the client of \$902.50 for a total paid by TRIF Company of \$8,450 to my firm. Additionally, TRIF Company paid \$2,800 paid to Salter and Michaelson as reflected in the attached invoice.
11. The rate charged is my usual and customary rate which is well within the fair and reasonable rates charged in Massachusetts and Rhode Island for intellectual property litigation. Further, this rate was discounted for the client.

Signed under the pains and penalties of perjury this 19th day of July 2005.



Harris K. Weiner

Harris K. Weiner appeared before me on this 19th day of July 2005.



Notary Public

My Commission Expires: 8/30/08

LAW OFFICES

SALTER & MICHAELSON

PATENTS, TRADEMARKS & COPYRIGHTS
THE HERITAGE BUILDING
321 SOUTH MAIN STREET
PROVIDENCE, RHODE ISLAND 02903-7128

TELEPHONE: (401) 421-3141
FACSIMILE: (401) 861-1913

ELLIOT A. SALTER

ROBERT S. SALTER*

MICHELE J. YOUNG*

*ADMITTED IN MA ONLY

E-Mail: rsalter@saltermichaelson.com

October 5, 2004

Mr. David Harmon
TRIF Corp.
231 VZ 4104
Canton, TX. 75103

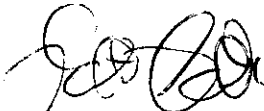
Re: TRIF Company v. Chris Morris d/b/a International Housewares, et.al.

Dear David:

Enclosed herewith is our receipted invoice in connection with the above-identified case. I was happy that we were able to successfully obtain the restraining order to have the infringing goods seized from the Big E in Springfield, MA. Harris and I will keep Kevin and yourself closely advised as to any further developments with this case.

If you have any questions, please do not hesitate to call.

Sincerely,
SALTER & MICHAELSON



Robert S. Salter
enc.

cc Kevin McIntyre
Harris Weiner, Esq.

LAW OFFICES OF
JEFFREY B. PINE ESQ.

A PROFESSIONAL CORPORATION

Jeffrey B. Pine
Attorney General 1993-1999

321 South Main Street, Suite 302, Providence, RI 02903

Harris K. Weiner
Of Counsel

TELEPHONE 401.351.8200 FAX 401.351.9032

www.pinelaw.com

*Attorneys are
admitted in Rhode Island
and Massachusetts*

July 19, 2005

TRIF Company

Re: TRIF Company v. International Housewares, Inc., Chris Morris d/b/a International Housewares, Frank Stoegarar d/b/a Worldwide Marketing, Zia Biao Xu and Zhi Xiong Xu d/b/a World Link, LLC, C.A. No. 04-30194-MAP, United States District Court, District of Massachusetts, Western Division

Billing Statement
September 2004-July 2005

DATE	WORK PERFORMED	HOURS	AMOUNT
	Retainer		\$4,700.00
9/23/04	Confer with R. Salter and K. McIntyre re: case.	1.0	\$225.00
9/24/04	Research and drafting.	6.0	\$1,350.00
9/25/04	Drafting, revising, verifying facts and citations. Attention to pleadings packaged, service, court scheduling, logistics.	7.0	\$1,575.00
9/27/04	Meet client. Revise documents. Confer with R. Salter re: service.	1.8	\$405.00
9/29/04	Attention to hearing, settlement papers. Draft proposed consent order, revise settlement agreement. Prepare for hearing.	3.3	\$742.50
9/30/04	Travel to Springfield for hearing with Judge Ponser. Attend court. Confer with International Housewares counsel and with client.	6.5	\$1,462.50
10/5/04	Settlement negotiations with International Housewares. Draft and revise settlement agreement. Conferences with client.	2.1	\$472.50
10/25/04	Confer with defendant Stoegerer, co-counsel and clients re: action.	1.9	\$427.50
10/20/04	Draft letter and legal analysis to TRIF.	1.2	\$292.50
11/29/04	Draft letter to International Housewares. Revise Complaint. Amend same. Attention to service.	2.0	\$450.00
12/3/04	Attention to service of process on defendants.	1.0	\$225.00
12/15/04	Draft default papers. Status letter to client.	0.9	\$202.50
12/28/04	Notify defendants of scheduling conference.	0.5	\$112.50

12/28/04	Retainer		\$3,750.00
1/15/05	Settlement discussions with Worldwide Marketing.	0.8	\$2,250.00
4/15/05	Confer with International Houseware's counsel re: settlement, breach of agreement, damages and default. Confer with client.	1.2	\$270.00
6/2/05	Status Conference with Client.	0.3	\$67.50
7/10/05	Draft default papers re: International Housewares.	0.5	\$135.00
7/18/05	Confer with Clerk's Office, US District Court re: default judgment and status conference with Judge Neiman. Draft motion for default judgments.	2.0	\$450.00
	Filing Fee		\$150.00
	Service on World Link		\$82.50
	Service on International Housewares		\$75.00
	Totals Hours:	40.2/HRS	\$ 9,045.00
	Subtotal		\$9,322.50
	Credit:	\$8,450.00	
	TOTAL DUE UPON RECEIPT: No Charge		\$902.50
	<i>Please make checks payable to: Jeffrey B. Pine, Esq PC</i>		